

I would like to urge the Federal Communication Commission (FCC) to approve the JOINT PETITION OF ANTHEM, INC., BLUE CROSS BLUE SHIELD ASSOCIATION, WELLCARE HEALTHPLANS, INC., AND THE AMERICAN ASSOCIATION OF HEALTHCARE ADMINISTRATIVE MANAGEMENT FOR EXPEDITED DECLARATORY RULING AND/OR CLARIFICATION OF THE 2015 TCPA OMNIBUS DECLARATORY RULING AND ORDER.

As you know, the Telephone Consumer Protection Act (TCPA) passed by Congress in 1991 serves an important role in ensuring consumers are not inundated with telemarketing calls. However, technology and the way in which consumers communicate today has changed dramatically. Today the number of cell phones and the number of minutes being used has jumped since the TCPA was first signed into law. Today, 44% of households are cell phone only homes, meaning 2 in 5 households today do not have a landline phone. This translates into over 2.3 trillion minutes annually versus 56 billion in 1997.

I continue to believe that any future changes to the TCPA must ensure that consumers are provided all the safeguards against unwanted telemarketing calls. This Petition does not open up any loopholes for telemarketing calls and is very narrowly focused on necessary healthcare related calls. This Petition simply requests that the FCC confirm for providers that when a patient comes into their facility and provides them with a contact phone number, that this is the "expressed consent" they need in order to use that number for any necessary follow-up calls.

Yesterday's method of sending patients information via the mail is no longer an effective way to reach patients, as all too often this information gets thrown out as junk mail. As you can see by the numbers above, cell phone usage has grown significantly since the TCPA was first implemented. Consumers have kept pace with new technologies, but the government and our well-intended regulations have not.

The FCC needs to confirm that the provision of a telephone number by an individual to a healthcare provider constitutes "prior express consent" under the Telephone Consumer Protection Act ("TCPA") and the FCC's TCPA rules for non-telemarketing, healthcare calls to that telephone number by or on behalf of the healthcare provider. In addition, the FCC should exempt from the TCPA's "prior express consent" requirement certain non-telemarketing, healthcare calls that are "not charged to the called party."

As you know, certain healthcare calls are also now required by law. For example, the Affordable Care Act ("ACA"): requires hospitals and outpatient clinics to perform post-discharge follow-up with patients; requires an insurance exchange to make a "reasonable effort" to contact all applicants who provide information to the exchange that is inconsistent with the information maintained in official records; and specifically grants federal and state health and human services programs the authority to make notifications of eligibility, recertification, and other needed communication regarding eligibility by placing calls to a patient's or client's wireless telephone number. In addition, on December 29, 2014, the Internal Revenue Service issued final rules pertaining to 501(r) of the Internal Revenue Code (Regulations for Tax-Exempt Hospitals). These new rules require hospitals to make a

"reasonable effort" to notify individuals verbally and in written form about the facility's financial assistance policy ("FAP") and assistance with the application process. Moreover, the Hospital Readmission Reduction Program provides significant economic penalties for readmissions of Medicare patients within 30 days. To comply with these requirements, hospitals are placing follow up-calls to patients to make sure they are aware of their post-discharge treatment plans and have access to appropriate resources.

I see this Petition as not only reasonable, but a much needed one today. In addition to all the points made above, this Petition offers consumer's critical social benefits they are being denied today under the current requirements in the TCPA. Technology has been interwoven into our daily lives and it will only become more important in coming years. If we want healthcare costs to come down and for patients to be healthier, we need to allow changes to regulations that may not be keeping pace. I don't support a blanket exemption, but instead have narrowly focused this Petition and request on calls that are directly related to the health of patients. For these reasons, I urge the FCC to grant this Petition in whole.

Thank you,

Anne Keitel

Manager, Patient Financial Services

Mercy Hospital